

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DENNIS J. MILLS,

Plaintiff,

-v-

9:11-CV-00896

BRIAN FISCHER, Commissioner, DOCS;  
K. NORCROSS, A.S.A.T., Counselor; D. DRAKE,  
A.S.A.T., Counselor; MR. STACEY, A.S.A.T.,  
Counselor; MS. LANGLIAS, A.S.A.T., Counselor;  
and CHRIS LIBERTY, Senior Counselor/  
Programs/TAC Committee,

Defendants.

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APPEARANCES:

OF COUNSEL:

DENNIS J. MILLS  
Plaintiff Pro Se  
2571 School Street, Apt. A  
Attica, New York 14011

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Attorney for Defendants  
The Capitol  
Albany, NY 12224

MICHAEL G. McCARTIN, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On January 2, 2013, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation that defendants' motion for summary judgment be granted and

plaintiff's motion for appointment of counsel be denied. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted. See 28 U.S.C. § 636(b)(1).

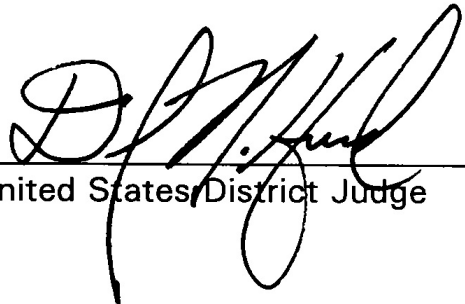
Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. Plaintiff's motion for appointment of counsel is DENIED; and
3. Plaintiff's complaint is DISMISSED in its entirety.

The Clerk is directed to serve a copy of this Decision and Order in accordance with the Local Rules and enter a judgment dismissing the complaint.

IT IS SO ORDERED.

  
United States District Judge

Dated: February 11, 2013  
Utica, New York.